



Senate

General Assembly

February Session, 2000

File No. 42

Senate Bill No. 72

Senate, March 10, 2000

The Committee on Labor and Public Employees reported through SEN. PRAGUE of the 19th Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

An Act Concerning Notice Of Workers' Compensation Claims For Repetitive Trauma Injuries.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Subsection (a) of section 31-294c of the general statutes is repealed
2 and the following is substituted in lieu thereof:

3 (a) No proceedings for compensation under the provisions of this
4 chapter shall be maintained unless a written notice of claim for
5 compensation is given [within] (1) not later than one year from the
6 date of the accident, [or within] (2) not later than three years from the
7 first manifestation of a symptom of the occupational disease, or (3) in
8 the case of a condition caused by repetitive trauma, not later than one
9 year from the first manifestation of such condition or not later than one
10 year from the last such trauma, whichever is later, as the case may be,
11 [which] that caused the personal injury, provided, if death has resulted
12 within two years from the date of the accident or first manifestation of
13 a symptom of the occupational disease, a dependent or dependents, or

14 the legal representative of the deceased employee, may make claim for
15 compensation within the two-year period or [within] not later than one
16 year from the date of death, whichever is later. Notice of a claim for
17 compensation may be given to the employer or any commissioner and
18 shall state, in simple language, the date and place of the accident and
19 the nature of the injury resulting from the accident, or the date of the
20 first manifestation of a symptom of the occupational disease and the
21 nature of the disease, as the case may be, and the name and address of
22 the employee and of the person in whose interest compensation is
23 claimed. An employee of the state shall send a copy of the notice to the
24 Commissioner of Administrative Services. As used in this section,
25 "manifestation of a symptom" means manifestation to an employee
26 claiming compensation, or to some other person standing in such
27 relation to him that the knowledge of the person would be imputed to
28 him, in a manner that is or should be recognized by him as
29 symptomatic of the occupational disease or condition for which
30 compensation is claimed.

LAB Committee Vote: Yea 8 Nay 3 JF

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: Indeterminate Cost (General Fund, Special Transportation Fund, and Workers' Compensation Administration Fund)

Affected Agencies: Workers' Compensation Commission, Various State Agencies

Municipal Impact: Indeterminate Cost

Explanation

State and Municipal Impact:

The passage of this bill would result in additional costs to the Workers' Compensation Commission (Workers' Compensation Administration Fund) and to the state and municipalities as employers that cannot be determined at this time. The bill allows a worker to file a workers' compensation claim for a repetitive trauma injury within one year of (1) the first manifestation of a symptom or (2) the date of the last trauma, whichever is later. Currently, case law on repetitive trauma injury requires that a claim be filed within one year of the last day worked (essentially the date of the last trauma).

This would result in an increase in the number of claims that are filed for repetitive trauma injury. Claims for this type of injury are increasing faster than any other kind of worker injury due to the widespread use of computers in the workplace. At this time it is

anticipated that the Workers' Compensation Commission would be able to accommodate additional cases within their currently available resources. However, if the number of additional claims increases significantly, the Commission could incur additional costs.

While the number of claims would increase, the increase in costs of the actual workers' compensation awards is less certain. The longer the time between the manifestation of the symptoms and the last trauma (work) the more difficult it will be for the claimant to prove that the injury was work-related. Costs to the state and municipalities as employers cannot be determined at this time.

OLR Bill Analysis

SB 72

AN ACT CONCERNING NOTICE OF WORKERS' COMPENSATION CLAIMS FOR REPETITIVE TRAUMA INJURIES.**SUMMARY:**

This bill allows a worker who suffers a work-related repetitive trauma injury to file a workers' compensation claim within one year of (1) the first manifestation of a symptom or (2) the date of the last trauma, whichever is later. Currently, case law (rather than statutory law) requires a claimant to file a repetitive trauma claim within one year of the last day he worked.

EFFECTIVE DATE: October 1, 2000

BACKGROUND***Filing a Workers' Compensation Claim***

By law, an injured worker must file a Notice of Claim for Compensation or its equivalent within the specified time or lose eligibility for compensation. A claimant has one year from the date of an accident or three years from the first manifestation of an occupational disease to file notice. The law allows claims without a notice filing in certain situations (e.g., where the employer has provided medical care).

COMMITTEE ACTION

Labor and Public Employees Committee

Joint Favorable Report

Yea 8 Nay 3